

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING

2017 JUN -7 PM 1:56

JETHAN HARRIS, CLERK
CASPER

Hello my name is Rogelio Rodriguez
I'm writein in regards to a
Delivery Charge I went to trial
for May 30 and June 1 a two
day trial Case NO 5709, I
was found guilty. I feel this
was not a fair trial based on
a few things. First in my jury
there was no minority all
white and half of them were
related or friends with law
enforcement in park County
I did not get any jury from
other countys I requested all
these things but got denied.
second the prosecution presented
no finger prints, no servailence, no
face visual just speculation of body
shap and movent, they had a
uncredible witness with a criminal
history stating he was presented
with a labeled photo of me with
my name on it when agent
stated he presented him with
a unlabeled photo. No line up
was presented to witness

agent stated he met me for the first time November 2016 but in trial he stated he recognized me and my voice October 2018 in the alleged delivery case. the other agent that was working with him stated in court testifying that she has known me for 20 years and that how she recognized my body shape and movement but did not see my face, I haven spoken or seen this agent in 20 years. the audio that was presented of the controlled buy was with three individuals I was not in it you can clearly hear it. the name on the criminal Docket was Rogelio Munoz Rodriguez Jr and on that drug lab results my name is not Rogelio Munoz Rodriguez, its Rogelio Rodriguez Jr I provided my birth Certificate they only amended my name. they excluded my alibi because I didn't present it on time but

I provided all information to my attorney months before my trial, I never got to listen to audio or witnesses never got interviewed by attorney I requested to listen to audio and to interview the witnesses against me before pre trial it never happened I could not prepare properly for trial everything is in transcripts of trial there is a lot more indiscrepancies I would like to appeal but don't know how this associate to petition writ or habeas corpus
Case 17-CV-008-5 thanks
for your time much respect

Rogelio Rodriguez is my name
no middle name IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING
2016 JAN 10 PM 2:57
STEPHAN HARRIS, CLERK
CASPER

is not my name
ROGELIO MUNOZ RODRIGUEZ,
JR.,

Petitioner,

Case No. 17-CV-004-S

vs.

PARK COUNTY DETENTION
CENTER and WYOMING
ATTORNEY GENERAL,

Respondents.

**ORDER DISMISSING WITHOUT PREJUDICE
WRIT OF HABEAS CORPUS PURSUANT TO 28 U.S.C. § 2254**

This matter is before the Court upon a *pro se* Petition for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254, by Rogelio Munoz Rodriguez, Jr., Petitioner. [ECF 1]. The Court, having reviewed the Petition, as well as the file herein, and being otherwise fully advised, FINDS the Petition should be dismissed without prejudice.

Petitioner is currently incarcerated at the Park County Wyoming Detention Center, apparently based on charges of delivery of controlled substances. [ECF 1, p. 1]. He appeared in the Circuit Court for the Fifth Judicial District, Park County, on November

29, 2016, and was bound over to district court. He alleges he thereafter filed in the Circuit Court a “Motion for Dismissal Pro se” (*sic*) on which he is yet to have a hearing. [ECF 1, p. 2].

The petition in this matter was filed after the effective date of the controlling statute, the Antiterrorism and Effective Death Penalty Act (AEDPA) of 1996, which requires a petitioner to offer affirmative proof he is “in custody in violation of the Constitution or laws or treaties of the United States.” 28 U.S.C. § 2254(a). The AEDPA further states:

A petitioner must exhaust all state remedies before seeking relief in federal court. An application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that—

(A) the applicant has exhausted the remedies available in the courts of the State; or

(B)(i) there is an absence of available State corrective process; or circumstances exist that render such process ineffective to protect the rights of the applicant.

28 U.S.C. § 2254(b)(1).

There has been no “judgment of a State court,” no final judgement and sentence, as yet entered against Petitioner, thus the Court is without jurisdiction to consider his petition.

[U]nder § 2254, we may “entertain an application for a writ of habeas corpus in behalf of a person in custody pursuant to the *judgment* of a State court only on the ground that he is in custody in violation of the

ORDER

IT IS THEREFORE HEREBY ORDERED the Petition for Writ of Habeas Corpus by Rogelio Munoz Rodriguez, Jr. Petitioner is **DISMISSED** without prejudice for lack of jurisdiction.

Dated this 10th day of January, 2017.


SCOTT W. SKAVDAHL
UNITED STATES DISTRICT JUDGE

Rogelio Rodriguez Jr

PCDC

402 River View Drive

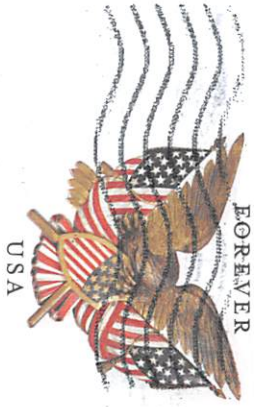
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Clerk, United States District Court

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Casper, WY 82601

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